CHAPTER 3

PAYMENT RESTRICTIONS

SECTION A---GENERAL

30301. Payment Dates

DoD policy requires all retired/retainer and annuity payments be paid no earlier than the first business day of the succeeding month.

SECTION B---GEOGRAPHIC

30311. Checks

- a. Mailing of Checks to Foreign Countries. The Secretary of the Treasury has determined that the mailing of checks is prohibited to the countries listed in appendix 1. Postal, transportation, banking facilities in general, or local conditions are such that there is not a reasonable assurance that a retiree or annuitant in these countries will actually receive checks drawn against funds of the United States, or negotiate checks for full value. Power of attorney for receipt or collection of checks or for the proceeds of checks included within the determination of the Secretary of the Treasury are not recognized.
- **b.** Claims. Claims for the release of checks withheld from delivery or for proceeds thereof are filed with the DFAS Center which originally authorized issuance.
- c. Philippine Islands. Checks drawn on the Treasury of the United States for delivery to Philippine citizens located in the Philippine Islands are inscribed with the phrase "payable only in pesos through authorized agent banks of the Central Bank of Philippines and Postal Offices." Proof of United States citizenship, claimed by a retiree living in the Philippine Islands, must be verified by the disbursing office responsible for delivering checks to the Philippine Islands.

SECTION C EXPIRATION OF ELIGIBILITY TO RETIRED PAY

30321. Conditions

- **a. Five Years on the TDRL.** See part two, chapter 7.
- **b. Foreign Citizenship.** See part two, chapter 2.

Employment by Foreign Government. See part two, chapter 1.

- **d. Conflict of Interest** See part two, chapter 1.
- e. National Security Violations Within the Scope of 5 U.S.C. 8311-8322.

Note: The "Hiss Act," Public Law 769,1 Sep 1954 (68 Stat 1142) codified as 5 U.S.C. 2281-2288. The Act, as amended, prohibited the payment of retired pay to military personnel who were convicted of any of a long list of criminal offenses enumerated in the statute. The Act did not prohibit the payment of retired pay if both the offense or conviction and the award of retired pay occurred before 1 Sep 1954. However, retired pay awarded on or after 1 Sep 1954, could not be paid regardless of the date the offense or conviction occurred. If the individual involved received a Presidential pardon or was cleared by later decision of a higher court, the right to retired pay was restored. Public Law 87-299, effective 26 Sep 1961, amended the Hiss Act and limited provisions to cases involving the national security. Members convicted by courts-martial or federal civil courts of offenses which were felonies or equivalent of felonies but not involving the national security were no longer subject to the provisions of the Hiss Act.

30322. Recall to Active Duty

A retiree who receives orders, issued by proper authority, for recall to active duty for an indefinite or definite period is not entitled to retired pay for the period of active duty. Members on active duty for training are covered in part three, chapter 1, section D.

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